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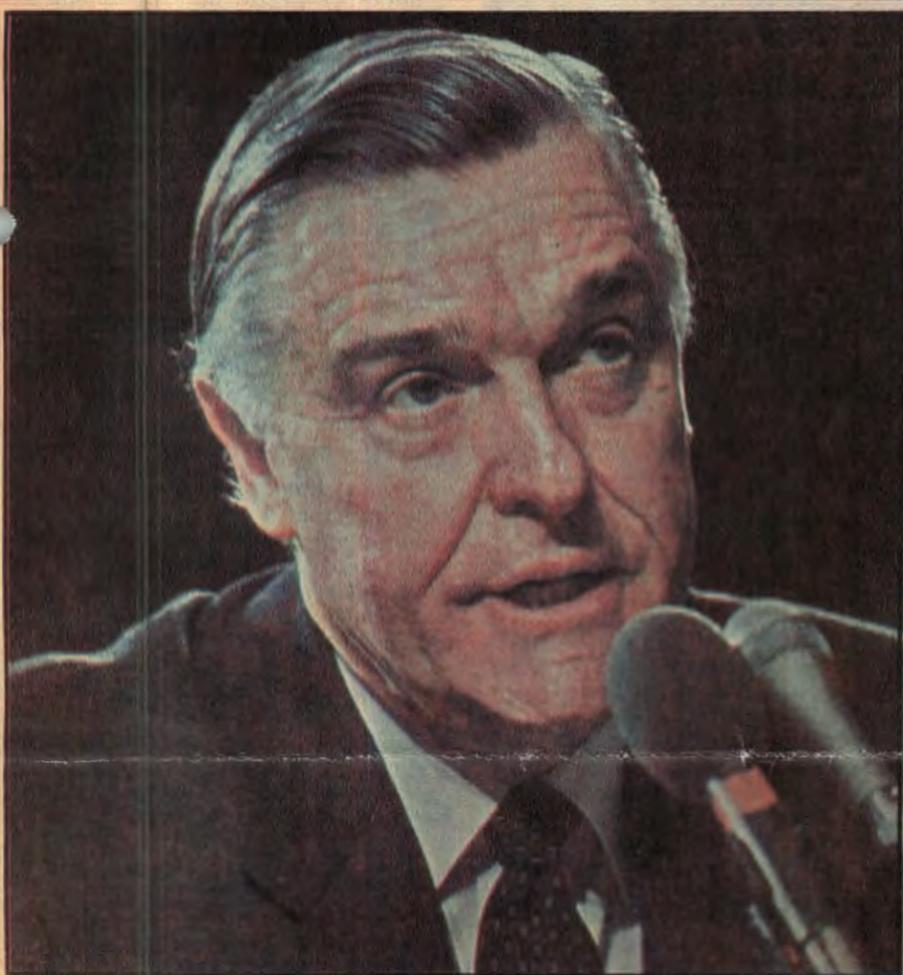
THE SANTA FE

# NEW MEXICO



## Fouling the Nest

A New Mexican Special report on Los Alamos National Laboratory



JAMES D. WATKINS

Courtesy Department of Energy

"What I have established is for my management responsibility for health."

## Ex-admiral's quest for 'ground truth' in DOE a hard slog

By KATIE HICKOX

New Mexican Washington Bureau

WASHINGTON — Nearly two years ago, retired naval operations chief James D. Watkins undertook a mission unlike any he had ever encountered in his 37-year military career.

He was appointed U.S. energy secretary and given a formidable task: Clean up the nation's aging 13-facility nuclear weapons production complex and make it safer for people who worked there along with the general public. While the challenge seemed overwhelming, the Alhambra, Calif.-born Watkins said it would take him just two years to turn the troubled agency around.

As his self-imposed deadline nears,

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#### Today: Oversight

✓ The new culture of openness touted by Energy Department Secretary James D. Watkins has been slow in developing at the laboratory, critics say.

✓ The state lacks the authority to regulate some significant environmental emissions by the laboratory, including most radioactivity.

the 63-year old Watkins is falling short of that ambitious goal, according to reports and interviews with state officials, members of Congress, environmentalists and scientific experts from across the nation.

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## Washington ca plan 'unaccept'

### Discussion to continue on Soviet peace effort

#### New Mexican wire services

MOSCOW — A senior Bush administration official said early today that a Soviet peace proposal Iraq accepted is "unacceptable to the United States." The U.S. official spoke on condition of anonymity following a late-night White House meeting.

Iraq accepted the plan, which calls for an Iraqi withdrawal from Kuwait and an end to the Persian Gulf War, Thursday, a Kremlin spokesman said.

Meanwhile, the allied offensive against Iraq continued and American forces were reported to be making armed forays into Iraq and Kuwait in advance of a possible ground attack, U.S. officials confirmed Thursday.

Significantly, the agreement contained no mention of the Palestinian problem or the Arab-Israeli conflict — the issues that Iraq had previously linked to all discussions of its invasion of Kuwait.

The Soviet spokesman, Vitaly Ignatenko, announced the agreement following more than two hours of talks between President Mikhail S. Gorbachev and Iraq's foreign minister, Tariq Aziz, on the terms of a Soviet peace plan proposed earlier this week.

"The response is positive," Ignatenko told reporters immediately after the meeting, which began shortly after midnight. "The two parties came to the conclusion that it is possible to find a way out of the military conflict in the Gulf."

Earlier, presidential spokesman Martin Fitzwater said the United States had "serious concerns" about aspects of the agreement.

■ GULF FORUM: Role of chemical weapons questioned at Los Alamos panel. Page B-1

"The war itself continues," Fitzwater added. "There's no change at this point in our prosecution of the war."

Ignatenko said the two sides agreed on eight points, starting with Iraqi agreement to a full and unconditional withdrawal from Kuwait. Another spokesman said the Soviets would call for disarming Iraq.

The pullout would begin two days after a cease-fire, and would be monitored under U.N. auspices by countries not directly involved in the month-old Gulf War, Ignatenko said.

Iraq also agreed to release all prisoners of war immediately after the cease-fire, the spokesman added. He said details of the plan would be worked out and presented to the U.N. Security Council later today.

Gorbachev spoke to Bush by telephone shortly after the meeting with Aziz. Bush had previously said the Soviet plan was not acceptable, although he said he was encouraged by the possibility of talks about withdrawal.

Fitzwater said Gorbachev and Bush spoke for just over 30 minutes. He said Bush thanked Gorbachev "but raised serious concerns about several points in the plan."

He didn't elaborate about which points the leaders discussed.

The plan outlined by Ignatenko did not include any mention of linkage to an Israeli withdrawal from occupied Arab

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## Bush's plan begins to fray

Los Angeles Times

WASHINGTON — Saddam Hussein's abrupt embrace of Soviet President Mikhail Gorbachev's peace initiative — and President Bush's decision to discuss the plan with his allies — instead of reject it outright — has suddenly turned the Persian Gulf war into a game of diplomatic maneuvers.

And that could derail Bush's military plans to cut Saddam down to size, especially if it leads to lengthy and ambiguous negotiations. As a result of Saddam's surprise move, the president's strategy could become bedeviled on both political and diplomatic grounds, U.S. officials and other analysts said.

Most fundamentally, Thursday's developments may make it extremely difficult for Bush to stay with the approach that has been his watchword at every step in the Gulf War thus far: "Stick with the plan." Bush has repeatedly vowed that the allies, not Saddam,



## Our reports: A review

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In a series of stories published over six days, *The New Mexican* has detailed the impacts of the lab on the environment and the health and safety of its workers and the public.

The highlights of the series:

■ More than 1,800 sites of suspected or confirmed radioactive or chemical contamination — ranging from dumps to the county golf course — must be inspected and possibly cleaned up as part of an environmen-

■ **OVERTIME SUIT:** Guard supervisors sue the contractor that supplies security at the lab. **Page B-1**

tal-restoration program projected to cost \$2 billion and span 20 years.

Some of that waste — if left in the ground — could be dangerous for hundreds of millions of years.

■ Lab researchers are trying to find better, faster, safer and cheaper ways to clean up the mess.

■ The lab each day releases large amounts of radioactive and chemical contamination into the environment. Lab officials say the threat to public health is slight or nonexistent.

One study of Los Alamos residents

Please see **LAB**, Page A-2

large and elaborate as Los Alamos National Laboratory:

■ The state lacks the authority to regulate some significant environmental emissions by the laboratory, including most radioactivity.

■ Even where it has legal authority, the state has limited enforcement power. The Department of Energy cannot be fined directly when its facilities violate environmental laws.

■ Because of low pay and numerous frustrations, the state has a difficult time keeping its environmental enforcement employees.

"We're definitely overmatched when it comes to a facility like some of the Energy Department facilities," said state Environmental Improvement staff member David Coss. "With just the size and the complexity of the things going on in this state, EID is overmatched for the size of the job it's been handed."

The Environmental Improvement Division has an annual budget of \$18.4 million and 359 full-time employees but must keep track of thousands of polluters from Hobbs to Farmington.

In the division's Hazardous Waste Bureau, for example, 17 staff members keep watch on about 12 to 15 large facilities that store and dispose of toxic chemical waste, another 80 to 90 that are large generators of it and as many as 7,000 that generate small quantities.

Keeping track of the interconnections between the state and federal agencies that regulate Los Alamos

EID staff member

only asbestos, beryllium and radioactivity. Air emissions are the only pollution sources where the state has legal authority over radioactivity.

The mixture of environmental laws can be confusing even to the experts, said state EID attorney Gini Nelson.

"There are different statutes that can put different requirements on the federal government," Nelson said. The Hazardous Waste Act "has authorization that deals with them in one way, and the Clean Air Act deals with them in another way."

Even in those areas where the state is sure it has authority, there are strict limits on its power when dealing with a Department of Energy facility.

For example, the state clearly is in charge of chemical waste. However, could the state go in and close a hazardous waste program at Los Alamos that was damaging the environment?

"No, no, I don't think we could," said Boyd Hamilton of EID's Hazardous Waste Bureau.

If violations are identified at Los Alamos during the annual hazardous waste inspection — and there have been in six of the past seven years — state law requires EID to write the laboratory giving it 30 days to correct the problems.

EID tried to change that law during

indirect route by assessing the fine against the University of California, the contractor that operates LANL.

The inability to fine the Energy Department directly means "there is one less tool to make the department comply with the law," Nelson said.

"I don't feel as good about the state's ability to enforce its laws when we can't go as strongly after the people who are in fact equally responsible and may in fact have control of the situation," she said.

Or as Kirkland Jones, EID's deputy director, puts it, "DOE is the decision-maker. I would prefer to influence the decision-maker directly."

Given all that, it's not surprising that the state has levied just one fine — for \$30,000 — against Los Alamos National Laboratory, despite numerous violations in the past 10 years.

The state notified Los Alamos in 1984, 1985, 1987, 1988, 1989 and 1990 that it had found violations of the

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# PLANS: 'The new culture' runs afoul of 'the old mentality'

Continued from Page A-2

its Washington, D.C., headquarters rather than in the various operations offices around the country.

"One of the things we hear when we ask for (information) is they say, 'It's on the admiral's desk.' We hear that so often we think the admiral must have a desk the size of an aircraft carrier," Werner said.

Historically, the laboratory has released an annual environmental surveillance report. Local groups that keep an eye on the lab use the report to get an idea of what kind of an impact Los Alamos has had on the environment in the past year.

The most recently released report, however, is for 1988. Information on 1989 has not been released even though some of the data from that year are now two years out of date.

The delay in releasing environmental information was one of the very few areas singled out for criticism during a visit to Los Alamos last year by the Energy Department's Advi-

sory Committee on Nuclear Facility Safety.

"We believe that it is important for the general public and those most directly exposed to have timely access to this environmental monitoring information," the committee said in a letter to Watkins.

Watkins never responded to the letter, according to the committee.

Tom Buehl, a section leader at the laboratory, said the environmental surveillance report is drafted by Los Alamos each April, and it used to be released every May.

That was when the report was approved by the Energy Department's Albuquerque office. Beginning with the 1988 report, department headquarters in Washington took over the approval function, which has added months to the delay, Buehl said.

Kenneth Hargis, chief of the lab's environmental protection group, said he asked for more money so more frequent reports possibly could be

released, but laboratory management denied the request.

Laboratory Deputy Director Jim Jackson said he wasn't sure why the request was denied, but he said it probably was because of a tight budget.

Years of laboring under national security rules have made it difficult for the department's defense facilities to be more open, Energy Department spokesman Fred Lash said.

"There is the old culture, the old mentality that still exists within the defense program," he said.

There's no doubt, though, that the public is better informed today than it used to be, Lash said. The public controversy over the opening of the Waste Isolation Pilot Plant near Carlsbad is an example, he said.

"In the '50s or '60s we would have opened that thing near Carlsbad and never told New Mexicans about it."

WIPP, which has not yet opened, is designed to be a permanent disposal site for radioactive garbage.

Los Alamos officials also argue strenuously that efforts to build a

state.

State and LANL officials said they decided to compromise because the matter had dragged on for too long.

The state settled for a reduced amount of money because its case was weak, Jones said. The earlier violation had not been well documented, and the state staff members involved in the 1984 violation since have left, he said.

Although it was for less money than originally hoped, the settlement did serve to set a precedent.

"It was the first time EID ever extracted money from LANL," Jones said.

The EPA is in the process of levying its first-ever fine against Los Alamos as well, a \$12,500 assessment because of an acid spill last year. Los Alamos officials have agreed to pay the fine.

The high staff turnover that weakened EID's case when it tried to fine the laboratory is a chronic problem for the state agency.

Jones said the agency loses as much as one-third of its technical staff every year.

Salary and frustration are the main causes for the turnover, said Coss, the EID staff member.

"Folks making \$23,000 at EID can get \$40,000 and up working for a company in Albuquerque or working

strictly for monitoring and reviewing environmental data, not for better enforcement of environmental laws.

But, Jones said, "If we're there and we're generating information, then that information is available to our enforcement staff. Our ability to find problem areas is enhanced."

Some laboratory critics are skeptical of the deal.

Greg Mello, a former EID employee who now works with the Santa Fe activist group Concerned Citizens for Nuclear Safety, questions how aggressive the state will be in regulating facilities that are now paying it \$3 million per year.

"Whether the state will be willing to alienate the source of that funding is another question," he said.

Jones acknowledged the concern, but emphasized the money is guaranteed for the first five years and the Energy Department would risk public embarrassment if it tried to back out of the agreement.

Mello said the Energy Department would not have to risk a nasty public fight to influence the state.

"In many important cases, EID can be intimidated at a much lower level, so doing something publicly wouldn't be necessary," Mello said.

Jones said another potential problem will be to keep the EID employees who will be stationed at Los Alamos from becoming too chummy with the people they're supposed to be regulating.

new culture have been successful.

"Very definitely. No question about it," said Jackson, the No. 2 official at the laboratory. "There have been important changes already and we're going to have to continue to work on it. We've made a lot of headway and we're going to get there."

Laboratory Director Sigfried Hecker also has made it a priority to improve environmental and safety consciousness.

In an article on the subject written for an employee publication, Hecker said he has heard much grumbling among Los Alamos employees about environmental compliance.

"I realize that laws may not always appear to be right, but they are always the law. You can argue about them all the way to the jail house," he wrote.

He also told employees he shares their frustration with the "overly stringent" regulations in place today.

Some regulations are overly

stringent "based on today's documented knowledge of adverse health effects," but employees have to realize that the cumulative effects of their actions could have a significant impact on the environment, Hecker said.

Al Tiedman, associate director for operations at Los Alamos, said the laboratory isn't showing disrespect for laws when it questions their wisdom.

Scientists can be expected to question bad regulations, he said.

Tiedman was unable to give an example of a bad regulation.

There has been an onslaught of new environmental regulations since the early 1970s, Tiedman said. And federal defense facilities such as Los Alamos have been subject to such laws only since a court ruling in the early 1980s, he said.

Los Alamos has spent more than \$60 million for an in-depth Energy Department inspection, known as a tiger team inspection, scheduled for later this year, Tiedman said.



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# WATKINS: Falling short

Continued from Page A-1

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He still is considered by many lawmakers to be the only man for a mission that Senate Energy Committee Chairman J. Bennett Johnston, D-La., once called "the most daunting task that anybody ... in government" has attempted.

"I don't agree with everything that he's done, but there's no question that he's knowledgeable about our nuclear weapons program," said Sen. Jeff Bingaman, D-N.M. "I think he is more knowledgeable than any secretary in my recollection. He has jumped into these difficult problems with a real will to resolve them — but I think there's a long way to go."

Bingaman sits on two of three Senate committees with jurisdiction over environmental cleanup and worker safety issues at nuclear weapons complex facilities.

No stranger to nuclear machinery himself, Watkins was the son of a priest-turned-vintner who rose through the ranks of the U. S. Navy from the 1950s through the 1980s. An unabashed supporter of nuclear power, Watkins has said he was first seduced by high-tech during the Korean War as a naval officer under the command of a skipper who later would pilot Nautilus, the first nuclear submarine.

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"We simply couldn't solve it with clean needles and condoms in the case of AIDS," he said. "It was a much broader issue. And that is what I think we have here."

The admiral needed more than clean needles and condoms as he took office on March 1 1989, facing two recent reactor accidents at the South Carolina-based Savannah River Site

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Asked recently about the success of his 10-point plan, Watkins chuckled and said he hopes to have "50 percent" of his strategy in place by March. He says his plan has been "implemented" — he has drilled his mandate into a new management team and tightened his reins over contractors responsible for weapons complex facilities — but has yet to change attitudes among the rank and file.

"My interest is getting the culture self-sustained so if I were to leave then it doesn't change — that people really believe that health is a critical part of Department of Energy narrative," he said.

When outsiders are asked how Watkins is doing, however, some say the Energy Department still does not show a strong enough commitment to protecting the environment and the health of its workers.

"We expect more of private facilities than we do of federal facilities," said Dan Reicher, an attorney with the Washington-based Natural Resources Defense Council.

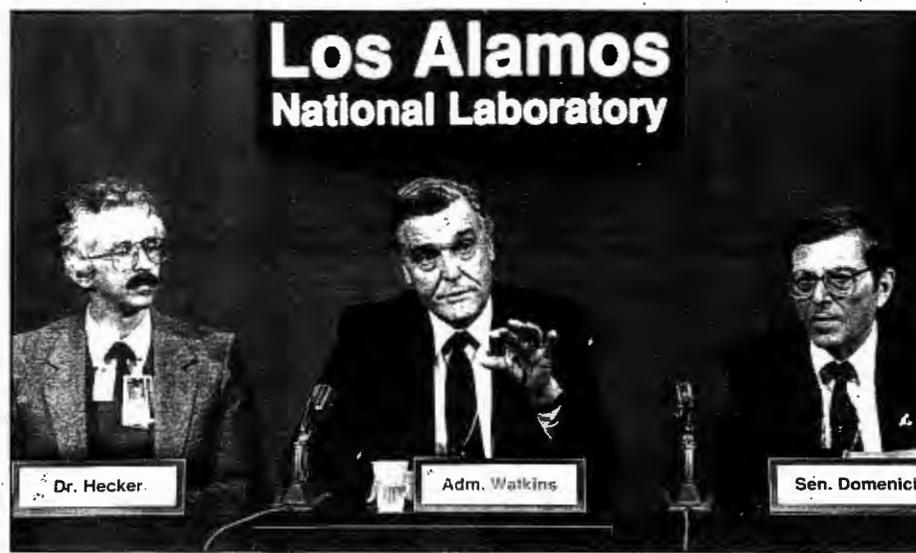
Watkins and his management team say they are working to bring federal weapons facilities into compliance with environmental and worker safety laws after four decades of neglect.

So far, Watkins's 18 tiger teams have identified thousands of worker safety and environmental law violations at federal nuclear facilities throughout the nation.

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James Watkins, center, with lab director Sig Hecker, left, and U.S. Sen. Pete Domenici during a tour by the secretary in February 1990.

"What I have established is for my management responsibility for health," Watkins said, emphasizing the "my."

"This means 24 hours a day, round the clock, every shift, there are people on watch worrying about employees, worrying about their health practices, worrying about their health records, worrying about the work that's being done there at the lab or at the site to make sure it's being done in a proper fashion," he said.

Watkins has followed another tenet of his 1989 strategy to combat chaos in the weapons complex by steadily increasing spending for cleaning up leaking radioactive and hazardous materials at federal facilities stemming from over 40 years of bomb production with little regard for health and environment. Cleanup requests have grown from \$2.3 billion in 1990 to \$3.5 billion in the current year to an estimated \$4.2 billion next year.

Environmentalists and federal officials have said that Watkins' cleanup plan is still underfunded, poorly executed, and based on faulty, outdated information.

A report released this month by the Office of Technology Assessment, a congressional watchdog agency, blasts the Energy Department's multi-billion dollar cleanup plan as lacking in scientific underpinnings and recommends that other federal agencies become more involved in a massive operation that Watkins'

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"The (Energy Department) has once again shown that it can't be trusted. (The Energy Department) has shown that they're ready to open (WIPP) without any regard to safety," said Rep. Bill Richardson, D-N.M.

He spoke after the Energy Department bypassed congressional approval of a public land exchange key to opening the Waste Isolation Pilot Plant, a mid-level radioactive waste dump under construction near Carlsbad, N.M., and scheduled to receive scrap from the Idaho National Engineering Laboratory as early as this summer.

Watkins's conservative colleagues say that he is hamstrung by too many rules, regulations, laws, and proclamations by federal, state and congressionally mandated oversight groups.

Sen. Pete V. Domenici, R-N.M., who has called for legislation allowing for an additional state oversight group for WIPP, nonetheless expressed confidence in Watkins' overall ability to untangle the Energy Department's massive radioactive waste, environmental, and health problems.

As he was two years ago in his Senate confirmation hearing, the man who was dubbed "Radio Free" Watkins for his candor on the AIDS commission remains upbeat about his quest for a safe, open Energy Department, saying: "1991 is going to

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The war against Iraq, however, has renewed interest in the Strategic Defense Initiative ("Star Wars"), high-tech weaponry and ways to make the United States less dependent on foreign oil.

And because it is in the Star Wars, weapons and energy research business, the lab stands to benefit from those renewed interests.

James Jackson, deputy director of the laboratory, says the Persian Gulf war has demonstrated that the end of the Cold War against the Soviet Union didn't mean all threats to U.S. security had been removed.

"Now I think people realize we are moving from a bipolar world ... to a multi-polar world that may be more dangerous ...," Jackson says. "The world has changed, but the need for national defense is still there."

The future of the government-funded Los Alamos lab had been looking pretty bleak.

Lab Director Siegfried Hecker announced in December that the lab's budget for the current spending year totals \$933 million, down from \$950 million in 1989-90 and the first budget cut in 20 years.

Layoffs and early retirement programs have become a part of regular business at the laboratory.

The lab's number of full-time workers is projected to fall by 330 to 7,420 this budget year. That is nearly 700 fewer employees than the laboratory had in 1986, its peak year for employment.

And if the hard times continue for one of the state's largest employers, the ripple effects could be felt in communities throughout the north-

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Continued from Page A-1

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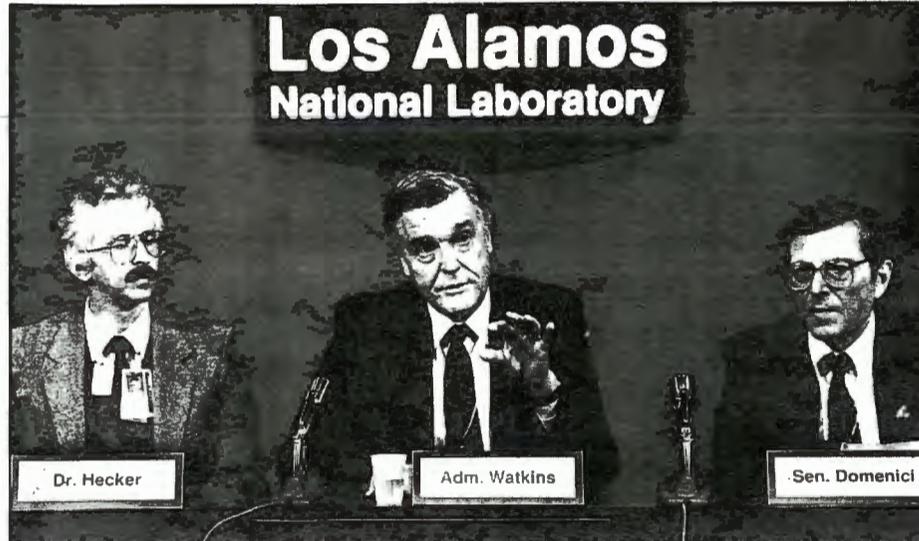
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Critics say that bureaucratic exchange does not have the strength of law passed by Congress and still leaves the Energy Department regulating itself on the day-to-day treatment of its nuclear weapons complex workers.

and morale of Energy Department and contractor employees.

## Los Alamos National Laboratory



File photo

James Watkins, center, with lab director Sig Hecker, left, and U.S. Sen. Pete Domenici during a tour by the secretary in February 1990.

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Environmentalists and even the staunchest supporters of the Bush Administration say Watkins is, once again, optimistic about

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"Now I think people realize we are moving from a bipolar world ... to a multi-polar world that may be more dangerous ...," Jackson says. "The world has changed, but the need for national defense is still there."

The future of the government-funded Los Alamos lab had been looking pretty bleak.

Lab Director Siegfried Hecker announced in December that the lab's budget for the current spending year totals \$933 million, down from \$950 million in 1989-90 and the first budget cut in 20 years.

Layoffs and early retirement programs have become a part of regular business at the laboratory.

The lab's number of full-time workers is projected to fall by 330 to 7,420 this budget year. That is nearly 700 fewer employees than the laboratory had in 1986, its peak year for employment.

And if the hard times continue for one of the state's largest employers, the ripple effects could be felt in communities throughout the northern Rio Grande Valley.

During the Carter administration, from 1977 to 1981, LANL's funding from the government was about evenly divided between defense programs and other initiatives, including energy research.

Under President Reagan, support

He since has shut down both sites and recently proposed moving the Rocky Flats operations to a less populated area.

Promising to search for the "ground truth" about the aging weapons complex facilities — "ground truth" is a military phrase that describes the combination of first-hand reports and management views — Watkins unveiled a 10-point strategy after only four months in office.

The battle plan included many tactics borrowed from the nuclear Navy, Watkins' former haven and the federal operation with the best record for handling radioactive materials. The main tenets of Watkins' 1989 strategy included:

- Pumping additional money and manpower into the Energy Department program charged with cleaning up thousands of tons of contamination from soil, buildings, water, and other areas around and in nuclear weapons complex facilities.

- Improving cooperation with states hosting Energy Department-owned nuclear weapons facilities.

- Forming "tiger teams" — another term borrowed from the military — to scour federal weapons production and research facilities for environmental and worker health violations.

- Tightening up the Energy Department's compliance with federal environmental and worker safety laws.

- Strengthening the accountability of Energy Department officials in Washington and on the field for health, environmental, and safety disasters at weapons complex facilities.

- Inventorying federal worker health records or epidemiology stud-

ment of its nuclear weapons complex workers and morale of Energy Department and contractor employees.

Watkins' naval mentor, the late Admiral Hyman Rickover, had insisted on safety first in a Pentagon operation that suffered no reactor meltdowns, radiation releases or other failures in more than 30 years.

Watkins remains steadfastly against any other federal agency taking over the day-to-day health monitoring of the more than 100,000 employees of civilian contractor firms in the nuclear weapons complex. He says he has established an internal "Office of Health" that will oversee worker health and safety.

assessment report, acknowledging that cleanup will take new technologies and highly trained personnel that the Energy Department has yet to acquire. Leo Duffy, cleanup czar at the Energy Department, has said the EPA fines are not justified.

Highlighting another point in Watkins' 1989 strategy, Duffy said recently that weapons complex facility oversight agreements between states and the Energy Department went from one (with Colorado) two years ago to eight by the end of last year.

Yet many state officials and lawmakers say they feel that the Energy Department has bypassed state and congressional approvals of plans to expedite projects that could

Environmentalists and even the staunchest supporters of the Bush Administration say Watkins is, once again, too optimistic about navigating a bureaucracy that is reviled by some states hosting weapons complex facilities.

Said former Sen. James McClure, R-Idaho, who retired in 1990 after nearly two decades on the Senate Energy Committee: "(Watkins) hasn't recognized what drives people to points of opposition and recognized early enough that opposition was going to be there, no matter how much his charm and his logic."

*Katie Hickox is a reporter for States News Service.*

evenly divided between defense programs and other initiatives, including energy research.

Under President Reagan, support for defense programs rose to about 80 percent of the laboratory's government funding.

With money for defense programs now being cut, LANL hoped government funding for energy research, environmental programs and other areas would be increased to make up the difference.

Because of the war against Iraq, money for some of LANL's defense programs could stabilize or even increase. There also could be more for research on new energy sources.

With its work on neutral particle beams and free-electron lasers, LANL has been a center for research on the Strategic Defense Initiative.

The goal of the initiative is to develop a system to knock out intercontinental ballistic nuclear missiles fired at the United States.

Since the start of the war against Iraq and its use of the Scud missile, President Bush has directed the Star Wars technology also be used in developing a system to intercept short-range missiles like the Scud.

Jackson says the Patriot anti-missile missile has helped convince people of the need for such a system.

The success in the war of the United States' high-tech weaponry — such as the Patriot, the Stealth and F-15 fighter airplanes, and the cruise missile — also appears to have at least partly restored public confidence in defense programs and demonstrated that such technology can save lives of U.S. soldiers.

"This country has always relied on advance technology" on the battlefield to reduce the number of needed soldiers, Jackson says.

In addition to defense work, energy research and environmental programs, the laboratory has identified other possible growth areas for the facility. They include initiatives to better train youth in the sciences, health and science research and programs to improve the world competitiveness of U.S. companies.

Jackson says the lab hopes to help companies make the transition from idea to manufacturing, rather than selling that idea to a foreign company for use on a production line.

"We (in America) seemed to have lost the knack for turning research into products," he says.

Jackson says the laboratory always will be in the nuclear weapons business — the business that made it famous 45 years ago.

"Nuclear deterrence will change, but it won't go away ...," he says. "We believe nuclear weapons will still play an important role in national defense for some time to come, certainly for the foreseeable future."

## LAB: Seeking a way to clean the mess

Continued from Page A-1

found a possible excess of deaths due to leukemia and related disorders, but the cause is not clear.

- More than 1,000 lab workers were exposed to radiation in the work place last year, and seven employees inhaled or otherwise ingested plutonium, one of the deadliest elements known.

Some workers and the Department of Energy, which owns the lab, have accused LANL officials of not doing enough to protect employees from radiation exposure. Lab officials dispute that criticism.

- Some employees say they have become supersensitive to some chemicals because of longtime exposure to chemicals at the lab. LANL officials say the employees' troubles

are psychological.

- For years — despite the known lung cancer risk from smoking and plutonium inhalation — the lab provided free cigarettes to plutonium workers.

- The lab, because it is owned by the Department of Energy, is exempt from many environmental and occupational health laws. The state Environmental Improvement Division is responsible for enforcing most of the environmental laws that do apply to the lab, but division is ill-equipped for the job.

- Each year, hundreds of shipments of radioactive and chemical materials move in and out of the lab. The shipments include top-secret truckloads of nuclear weapons parts and highly radioactive fuel for the

lab's nuclear reactor.

- Some lab scientists say LANL might be underestimating the chance of a devastating earthquake.

- Although a research-and-development facility, the lab in the last decade has taken on a production role in the processing of plutonium for nuclear weapons.

Environmentalists fear that role could become bigger because of the troubles at the Rocky Flats weapons plant near Denver.

- Security has been a long-running problem at the lab. Some guards say the force is underpaid, understaffed and overworked. Only 12 of 54 guards passed required skills tests in a surprise visit last spring by the General Accounting Office, the investigative arm of Congress.

# 'A new culture' slow to get going

When retired Admiral James D. Watkins agreed in early 1989 to take command of the U.S. Department of Energy, he knew he faced a formidable task.

Because of a string of safety and environmental scandals at its nuclear weapons facilities around the country, the department had little or no credibility with the American public.

"For too long, the underlying management and operating philosophy within the Department of Energy was that adequate production of defense nuclear materials and a healthy, safe environment were incompatible objectives," Watkins told a Senate committee in October 1989.

His goal was to change all that. His plan was to recapture the public's trust by instilling "a new culture" at the Energy Department, a culture in which the safety of workers and the protection of the environment would

be more important than the production of nuclear weapons.

During his confirmation hearings, Watkins said he would need two years to establish this new culture.

That was two years ago and while officials with the Department of Energy and the Los Alamos National Laboratory, a part of the department, are claiming the program has been a success, plenty of critics disagree.

While acknowledging that efforts have been made, most of the watchdog groups that deal with the department and Los Alamos on a regular basis say the new culture looks a great deal like the old one.

"We're certainly disappointed in the progress the Department of Energy has made in those areas where Secretary Watkins has initiated reform," said Daryl Kimball, associate director for policy of Physicians for Social Responsibility.

"There's not too much to celebrate," he said. "The problems at the weapons plants continue, and the Department of Energy still has a long way to go toward changing this culture."

Part of the problem with the old culture was the department's unwillingness to come clean with the public over the extent of its problems, and that hasn't changed, said Jim Werner of the Natural Resources Defense Council.

"Overall, I think it's taken a step backwards," Werner said. "I think people at various operations offices are very reluctant to give out information they used to give out freely."

Outside activist groups aren't the only ones who have trouble with the department's version of *glasnost*. Even Congress sometimes finds the department less than forthcoming.

When a subcommittee of the House

Committee on Energy and Commerce tried to obtain documents last year relating to nuclear weapons safety and other issues at the department, it was snubbed repeatedly.

The subcommittee's powerful chairman, Rep. John Dingell, D-Mich., finally issued a subpoena in August to flush out the information.

"The department was just totally resisting in some cases and stalling in others; it was a big problem," said Jeffrey Hodges, a research analyst with the Subcommittee on Oversight and Investigations.

"Since that time, we've seen a lot better cooperation but it took that subpoena," he said. "It took a sledgehammer."

The problem, Werner said, is that the Department of Energy has tried to centralize its decision-making in

Please see PLANS, Page

# EPA, DOE, EID, LANL: Who's on first in regulation game?

Picture a town marshal.

He's eager to take on the duties of his new job, and he has the backing of his neighbors.

Suppose he's allowed to enforce some laws but prohibited from enforcing others. He can stop burglary, let's say, but not robbery.

And suppose that even with the laws he is supposed to enforce he's not allowed to stop the perpetrator in the act or even fine him afterwards.

Finally, suppose the marshal can double his salary and move into a nice, clean office by going to work for the people he's supposed to be policing.

Sounds like a town that's in trouble.

State officials say that's the situation New Mexico faces when it tries to regulate the environmental impacts of U.S. Department of Energy facilities such as the Los Alamos National Laboratory.

For years, the department was a kingdom unto itself, running its massive, nationwide nuclear weapons complex as it saw fit.

Thanks to the Atomic Energy Act of 1946 and 1954, the civilian agency that eventually became the Department of Energy was placed in complete control of its own destiny with no requirement to follow a host of federal rules that governed private businesses and most other parts of government.

In the early 1980s, a hole was hammered in that armor when a federal court ruled that Energy Department facilities such as Los Alamos would have to submit to some environmental regulations.

The Energy Department, however, remains exempt from oversight by the independent federal agencies that protect such things as worker health and nuclear safety.

And while it is now subject to environmental laws, the department is a formidable foe for the agencies charged with oversight of the department's compliance.

The bulk of that job in New Mexico has fallen to the state's Environmental Improvement Division. In addition to enforcing state laws, the division is responsible for various federal rules as well. The federal Environmental Protection Agency, which has no staff members in New Mexico, has delegated much of its authority to the state.

The state faces major obstacles in attempting to regulate a facility as large and elaborate as Los Alamos National Laboratory:

■ The state lacks the authority to regulate some significant environ-

## They came, they oversaw, they went away

Los Alamos National Laboratory was inspected last year by two separate oversight committees that were formed because of safety problems in recent years at the U.S. Department of Energy's nuclear facilities.

One of the committees stayed for two days and issued a 1½-page report. The other stayed for one day and issued no report.

Neither has plans to revisit the lab in the near future.

The two committees are:

■ The Advisory Committee on Nuclear Facility Safety. Created in 1988, it is strictly an internal advisory body with members who are appointed by and report to the

secretary of energy. It is frequently referred to as the Ahearn committee, after Chairman John Ahearn.

■ The Defense Nuclear Facilities Safety Board. Formed in 1989, it has a few more teeth. It was created by law, its members are appointed by the president and confirmed by the Senate, and the secretary of energy must respond formally to the board's recommendations.

Both boards have several problems that limit their effectiveness, according to Daryl Kimball, associate director for policy of Physicians for Social Responsibility, a private watchdog organization.

First, the boards are concerned only with problems that pose an

immediate health risk or that threaten to close a facility, he said. Failure to comply with health regulations and other longer-term risks are for the most part outside their purview, he said.

Secondly, the environmental problems at federal nuclear installations in Rocky Flats near Denver, Savannah River, S.C., and Hanford near Richland, Wash., are so severe that other facilities such as Los Alamos tend to fall by the wayside, Kimball said.

"They should worry about them but they don't have the resources that are necessary to do what's necessary, which is to investigate these problems," he said.

isn't easy.

The state has authority to regulate current sources of solid waste if the wastes are toxic chemicals or a combination of toxic chemicals and radioactive waste. If it's purely radioactive waste, or concerns an old dump site, the state is powerless. That's the EPA's job.

The EPA also has retained responsibility for ensuring that the laboratory doesn't pollute surface water. The state helps the federal agency by doing inspections and assisting in administering the water laws. Radioactive emissions into bodies of water are not covered by either the state or EPA, and are subject only to internal Department of Energy rules.

Of the hundreds of toxic chemicals produced by Los Alamos, the state and EPA have authority to regulate

the legislative session two years ago and will try again this year because the 30-day figure "has no regard for the seriousness of the violation," Hamilton said.

Some might be so minor there is no need to fix them in a hurry, while others might be too serious to wait even 30 days, he said. The proposed change was defeated because some regulated facilities in the state lobbied their legislators against the change, he said.

If the laboratory fails to address its violations within 30 days, the state can issue a "compliance order," telling the laboratory to fix the problem either immediately or by some deadline, said Nelson, the EID attorney.

The law provides for fines of up to \$10,000 per day for the original violations and up to \$25,000 per day for failure to meet the terms of a compliance order, Nelson said.

Collecting those fines from the Department of Energy, however, is not easy.

The federal court district that includes New Mexico has ruled that because the federal government enjoys sovereign immunity, the state cannot assess a fine directly against LANL's owner, the Department of Energy.

That leaves the state with two options when it wants to collect from LANL: Take the Energy Department to court and hope to persuade a judge to levy the fine, or else take an indirect route by assessing the fine against the University of California, the contractor that operates LANL.

lab's hazardous waste permit. The laboratory also has violated its water emissions permit on numerous occasions.

A compliance order issued after the 1984 hazardous waste violations set deadlines for fixing the problems, but the lab was 100 days late in complying.

With a potential fine of \$10,000 per day — the maximum at the time — for 100 days, LANL was on the hook for as much as \$1 million, but EID said it would accept \$100,000 to avoid a court battle.

While the state and the laboratory haggled over that fine, the state again charged LANL with failing to comply with environmental rules and proposed a second fine of \$100,000.

Both fines eventually were settled last year with a \$30,000 check to the

at the (Los Alamos) lab," he said.

State employees also are worn down by the "slowness of the bureaucracy, not being able to enforce the regulations as they think they should be able to or in a fashion as strong as they would like to," Coss said.

There never are enough employees to keep up with the workload, said Hamilton of the Hazardous Waste Bureau.

Hamilton said his bureau easily could assign as much as half of its 17-member staff to keep up with activity at Los Alamos, but because of other demands on its time, it assigns only two or three people to cover all Energy Department facilities in the state.

Jones said many former EID employees go to work for Los Alamos, the very facility they might have been regulating a few days earlier.

The drain on EID's staff has been even worse than usual lately because consultants are anxious to hire people who can help them obtain some of the lucrative contracts LANL will be issuing soon as part of its billion-dollar cleanup effort.

Cleanup contracts totaled less than \$5 million this year, said Bob Vocke, head of the laboratory's cleanup program.

That figure soon will begin increasing dramatically as the cleanup effort intensifies, Vocke said. The laboratory is in the process of awarding two three-year contracts worth a total of \$80 million, he said.

The brightest hope is a deal completed last year in which the Department of Energy will give the state \$3 million annually for at least the next five years to improve the state's oversight of federal energy facilities.

New Mexico is one of 10 states where the Energy Department has struck such a deal in an effort to improve its public image.

In addition to the money, the deal grants the state significant new authority over such facilities, Jones said.

"DOE has committed to providing us significant new information beyond what we have the regulatory authority to require of them, literally every environmental document they or their contractors have prepared or prepare in the future," he said.

The state will hire 31 employees with the money, five of whom will be stationed at the lab, Jones said.

The new money and authority is strictly for monitoring and reviewing environmental data, not for better enforcement of environmental laws.

**'We're definitely over-matched when it comes to a facility like some of the Energy Department facilities. With just the size and the complexity of the things going on in this state, EID is overmatched**

**David Coss**  
EID staff member

**'DOE has committed to providing us significant new information beyond what we have the regulatory authority to require of them.'**

**Kirkland Jones**  
EID deputy division leader



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## Cleaning Up the nest

**N**ame a type of radioactive waste and probably it has been buried in Area G at Los Alamos National Laboratory.

The 63-acre area just west of White Rock is riddled with contaminated pits, shafts, trenches and storage buildings. The area's soil and air are contaminated with plutonium.

Area G is but one of many sites that are known to be contaminated, and one of almost 2,000 LANL sites that must be assessed for possible cleanup. Some, like Area G, are major waste dumps that always were meant to be waste dumps. Others are the leftovers of 48 years worth of messes spread around the lab's 43 square miles.

When will the necessary cleanup begin and how will it proceed? The Department of Energy, LANL's owner, has made the cleanup pledge that should have been made years ago.

When Energy Secretary James D. Watkins was appointed two years ago, he promised that LANL and sites like it across the nation would, for the first time ever, be forced to comply with federal and state environmental laws. To that end, LANL plans to spend about \$1 billion just to gear up for the cleanup. The entire cleanup bill is estimated at \$2 billion but undoubtedly will cost much more. LANL officials have also said they intend to improve waste management practices so that what has happened in the past five decades will not happen again.

Although these promises are reassuring, they are not enough.

They are welcome signs of good faith. But the DOE hasn't been exactly trustworthy. Here's how:

■ The public will not soon forget that LANL never had to comply with environmental regulations, because federal laws granted nuclear weapons manufacturers substantial immunity. That is changing, but only because the courts say it must. Beyond that, there is only Watkins' word.

■ LANL officials have consistently been able to hide waste and health hazards behind what has been called a necessary veil of secrecy, in the interests of national security. Records on waste sites in and around the lab are incomplete and sometimes inconclusive, either because some have been lost or destroyed. That doesn't inspire much faith. Some of the records are not available to the public.

When it comes to nuclear waste and pollution that affects us all, what does a national facility have to hide?

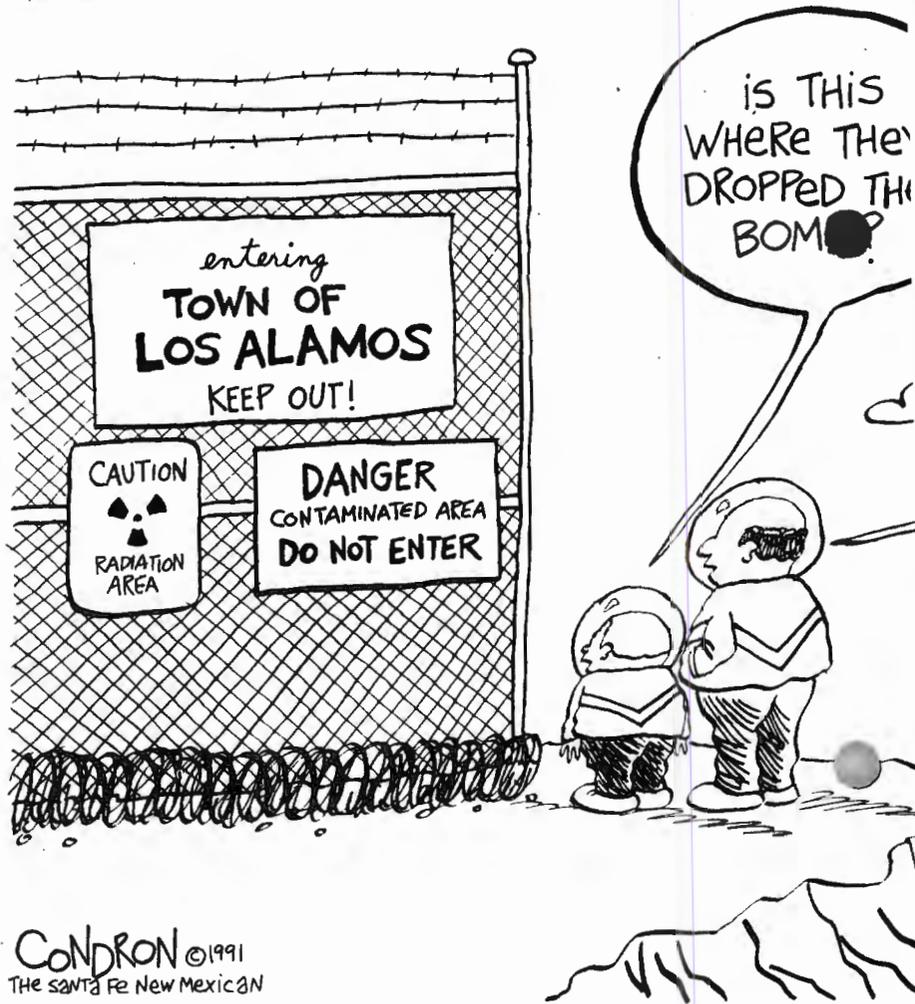
The public wants protection. Federal laws that force LANL to comply with all environmental regulations must be passed. It is up to Watkins, the Environmental Protection Agency and our legislators to push Congress and President Bush to create and pass them.

Furthermore, as LANL and the Department of Energy enter a new phase of environmental compliance, they must not be left to their own devices. A panel of governor-appointed experts, representing a cross-section of people with relevant skills and appropriate skepticism, in the mold of the state panel that oversees the Waste Isolation Pilot Plant, is needed to oversee the cleanup of LANL.

It's about time state officials, especially the governor, and state legislators, turned their sights on potentially the most lethal waste sites in the state. The Department of Energy and LANL need to be shadowed constantly. Their reports and cleanup efforts need to be second-guessed. And the public must be kept informed at every turn.

LANL is going through a transition from its wartime and Cold War roots to peacetime. Inevitably its objectives will change from weapons to civilian-oriented research.

As that conversion takes place, the public's understanding and confidence in LANL and its mission must grow. That will be difficult, but it could happen if the cleanup inspires confidence.



## Generals try to solve the 'X'

Nearly every evening, Desert Storm commander H. Norman Schwarzkopf picks up a red telephone and calls Washington, where it is still morning. It is a direct line to Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff.

For the last month, the two generals have spoken about the air campaign. They have reviewed the state of the U.S. ground troops, nearly all of whom still remain untested in combat.

But they also vent concerns removed from the headlines. One of them is the exposure of Western Europe — which has been practically denuded of American armor and airpower — to a Soviet surprise attack.

These days, senior U.S. generals are also geopolitical strategists. They know that the chances of such an attack occurring are low. But, as military men, they need to make a worst-case analysis. And it has been noted here that key Soviet generals assail Kremlin backing for the allied cause while openly voicing their own support for Iraq.

The U.S. generals worry about rising Arab sensitivities to mounting Iraqi civilian deaths. They worry about a potential wild-card strike by the Israelis. They worry about the need to keep up troop morale.

For those reasons, they want this war to be over sooner or later. If the Iraqis should indeed withdraw from Kuwait without further testing the allies' mettle, Powell and Schwarzkopf would cheer.

**Andrew J. Glass**

Cox News Service



For they know that there is a weak link in Desert Storm's intelligence network. The command calls it the 'X' factor. Not enough is known about Iraqis' willingness to fight on the home soil — where, for tactical reasons, much of the ground offensive will be fought.

By their nature, estimates of the army's will to fight are subjective. In this instance, forecasts range from predictions that the Republican Guard will mount a World War II Japanese style fight to the death to scenarios which exhausted remnants gratefully surrender at their first opportunity the tens of thousands.

For advice on this question, the command could do worse than consult a bluff and tough ace investigator for the Suffolk County district attorney's office on New York's Long Island named Joe Conlon.

For the duration, Conlon has turned his detective's badge to don the fatigues of an U.S. Army brigadier general, replete with the double-A patch of the 82nd Airborne Division. He heads the 8,000-member 800th Military Police

## Arizona scandal has legislators

One way or another, New Mexico's lawmakers have been able to glide through the first 35 days of their 1991 session.

If hostilities are averted and the next 25 days can run as smoothly as things got started, who's to complain?

The Senate Corporations and Public Affairs Committees found a great conflict reducing technique last week. The two committees sat jointly to hear presentations of two competing liquor bills. Tavern and package store owners filled the House Chambers. Testimony was civil. Questions were polite and answers even more polite. There were no guys in shiny suits and black shirts. Everyone was a mom or a pop. As a matter of fact, all who gave testimony claimed to own a "Mom and Pop" operation.

At the end of the three-hour hearing, both bills were voted out of each committee and sent to the floor for the

**Jay Miller**

Inside the Capitol



being used to tip toe around anything that might cause a blow up. Whatever it is, lawmakers have weathered their first problems quite well.

The only thing that seems to have gotten under anyone's skin was the team of investigative reporters sent to town by an Albuquerque TV station the wake of a major Arizona scandal operation. Rumors abound that KOATV is preparing a feature on legislative ethics, but no one seems able to figure out what Larry Barker and his team found during their week at the Capitol.

### 100 YEARS AGO TODAY

From *The New Mexican*, Feb. 22, 1891:

Last evening a number of Miss Creutzburg's friends assembled at the Presbyterian manse to bid her farewell and to join in the presentation to her of an elegant gold watch and chain as a souvenir of their appreciation of her beautiful singing in the choir during the past two years and of her generous and magnanimous spirit in so fully and faithfully assisting in the services of the church. Miss Creutzburg had been kept wholly 'in the dark' and after Mr. Bishop's beautiful and expressive speech of presentation and Miss Creutzburg's feeling and appropriate thanks in acceptance, several eyes were wet with tears, and all were misty. The souvenir was a gold watch and chain, upon the end hanging a small charm in the form of a gold basket of forget-me-nots, set in pearls and turquoise.